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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,606

03/15/2004

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8014-1037-1

8254

466

7590

08/03/2006

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EXAMINER

VU, DAVID

ART UNIT

PAPER NUMBER

2818

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,606	<b>Applicant(s)</b> MIYADERA, TOSHIYUKI	
	<b>Examiner</b> DAVID VU	<b>Art Unit</b> 2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3,4,7,8,11,12 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,7,8,11,12 and 15-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/798,999.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Objections*

1. Claims 18-20 are objected to because of the following informalities:

In line 2, the term “electroluminescence panel” is not clear as to how it relates to claims 17 (i.e. no limitation of a electroluminescence panel previously recited). Should the term “electroluminescence panel” read as -- light emitting device--

Appropriate correction is required.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3, 4, 7, 8, 11, 12 and 15-24 are rejected under 35 U. S. C. 102(b) as being anticipated by Itoh (US Pat. 5,347,344).

Regarding claims 3 and 17, Itoh in figs. 5-6 discloses a production process of a light emitting device equipped with a substrate, light emitting layers 3/3a formed on the substrate, and an insulator layer 3c mutually partitioning the light emitting layers 3/3a; wherein the production process includes a process of forming the insulator layer by a thermal transfer method to produce

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the light emitting layers 3/3a on the substrate (see Abstract), and the formed insulator layer 3c mutually partitioning the light emitting layers 3/3a.

Regarding claim 4, Itoh in figs. 4 and 5 discloses a process of forming the insulator layer on a transfer member by a thermal transfer method, and a process of transferring the insulator layer which has been formed on the transfer member, to the substrate.

Regarding claims 7 and 8, Itoh discloses the light emitting layers contain a light emitting material emitting light by impressing electric field (see Abstract and col. 5, lines 40-59).

Regarding claims 11, 12, 15, 16, 21, 22 and 24, Itoh discloses the substrate is composed of a resin, a polymer or an inorganic material (col. 3, lines 36-38).

Regarding claim 18, Itoh in figs. 4 and 5 discloses forming a substrate composed of a transparent film with a plural number of first electrodes extended on the substrate in a stripe shape to left and right directions; and forming a plural number of second electrodes in a stripe shape to a direction orthogonalized against the first electrodes at a position 3d duplicated with the light emitting layers 3a/3.

Regarding claim 19, Itoh in fig. 2 discloses providing an substrate, and wherein the thermal transfer method step comprises providing i) a ribbon 4 composed of a base film 2 and a transfer layer 3 coated on a surface of the base film 2, ii) conveying the ribbon 4 and the substrate 6 between a thermal head 5 and a platen roll 8 so that selected portions of the transfer layer are transferred onto the substrate to form the insulator layer.

Regarding claim 20, Itoh in fig. 2 discloses the thermal head 5 is equipped with a plural number of heating members arranged to a direction orthogonalized to a conveying direction of

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the substrate, and a portion of the transfer layer is selectively melted and transferred onto the substrate by impressing signals to the respective heating members while conveying the substrate.

Regarding claim 23, Itoh in figs. 2 and fig. 5 discloses wherein, conveying the ribbon 4 and the substrate 6 between the thermal head 5 and the platen roll 8, so that the transfer layer is transferred onto the substrate to form the insulator layer, includes an indirect transfer of the selected portions of the transfer layer onto the substrate, and the indirect transfer is by first transferring the selected portions of the transfer layer onto an elastic intermediate transfer roll 12 and then from the transfer roll onto the substrate.

Regarding claims 18-20, note that the method steps (thermal transfer process) of Itoh is the same as the presently claimed invention, thus inherently the method is capable of being applied to an electroluminescence panel (i.e. as recited in the preamble) in the same manner as the present invention (i.e. the preamble of claims 18-20 merely recites the process of forming an electroluminescence panel, and the Itoh steps are the same thus inherently capable).

### **Response to Arguments**

3. Applicant's arguments with respect to claims 3, 4, 7, 8, 11, 12, 15 and 16 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

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4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1798. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith S can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DAVID VU  
PRIMARY EXAMINER